

Meeting No. 10
May 12, 2003
Hamburg Town Board Meeting
S-6100 South Park Avenue
Hamburg, New York 14075

Supervisor Hoak calls the meeting to order at 7:00 p.m.

Roll Call:	Patrick H. Hoak	Supervisor
	D. Mark Cavalcoli	Councilman
	Kathleen C. Hochul	Councilwoman
	Joan A. Kesner	Councilwoman
	Thomas Quatroche, Jr.	Councilman
Also Present:	Catherine Rybczynski	Town Clerk
	Richard Boehm	Deputy Town Attorney
	James Spute	Finance Director
	Gerard Kapsiak	Town Engineer
	Joseph Coggins	Police Chief
	James Connolly	Highway Superintendent
	Martin Denecke	Director of Recreation
	Robert Hutchison	Town Assessor
	Drew Reilly	Planning Consultant
	Kurt Allen	Supervising Building Inspector

The Pledge of Allegiance was recited.

Information on Fire Exits was provided.

Supervisor Hoak turns the meeting over to Councilwoman Hochul for presentations.

Councilwoman Hochul comments that, being a Character First Community, every two months we recognize employees that demonstrate the Character Trait of the month. The current Character Trait is Determination which is defined as focusing your energy and efforts on right goals regardless of the opposition. Be strong in your will to succeed. This inscription is on all Town employee paychecks and the signs are all over Hamburg. She recognizes the employees who demonstrate these traits. The first individual is Donald Thiry, he overcomes personal challenges with a smile on his face and they have gotten so many favorable comments on all the work he does for the Recreation Department, he is always there to lend a hand. The Town is very proud of him and the determination he exhibits everyday when he does things for other people.

The second individual is Councilwoman Joan Kesner for her determination in getting the Domestic Violence unit set up. When she came up with the idea to have a Domestic Violence unit there was no stopping her. She was incredibly driven and she didn't stop until it happened. We just had the grand opening and the unit is very busy, but because of her efforts they want to recognize her and also they want to acknowledge Supervisor Hoak. The last nominee is Rosemary McManus for all her efforts associated with the Townwide Clean-up. She is the one who goes out and gets everything necessary to put it together. She is one of the unsung heroes in the Town. She asks that everyone come forward for a picture. Councilwoman then announces that in two months they will be announcing the awards of the Excellence character trait. They will be looking for nominations for this character trait.

Supervisor Hoak announces that this person is on the honor roll for this year. She has brought a new attitude to the Town, she has brought the private sector work ethic and service from the updating of the website to expansion of hours and the Code Book on the website. She is this years honor roll recipient for the 2003 Town Clerk's Association, our own Catherine Rybczynski.

Supervisor Hoak then comments that the following proclamation has been on the forefront of so many of our organizations and activities throughout the Country.

RESOLVED, that the Town Board approve the minutes from the following meetings:

April 28, 2003 Town Board Meeting

May 5, 2003

Work Session

Moved: Hochul Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

III.

RESOLVED, that the Town Board grant permission for the Police Department to advertise equipment for Police Department Forensic Lab.

Moved: Hoak
Seconded: Quatroche
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

IV.

RESOLVED, that the Town Board confirms that Judith Neiman, Domestic Violence Advocate, is authorized by the Town Board to sign purchase orders, Town vouchers, Request for supplemental and/or Budget transfers, Payroll Input sheets for the Domestic Violence Department.

Moved: Kesner Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

V.

RESOLVED, that the Town Board approve the Transfer of Appropriations for the Finance Department within the 2003 Budget as follows:

From: Appropriated Fund Balance	A599	\$420.00
To: Domestic Violence - Misc.	A3225.451	\$420.00

To fund expenses from donations received in 2002 for opening of Domestic Violence Office.

Moved: Kesner
Seconded: Quatroche

Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

Supervisor Hoak comments that this was money received from the Rotary and Lions Clubs which is in our fund balance and can be used as needed to support this program.

VI.

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

1. Gardner, George	ER7251(225)	05/05/2003	\$9.25 P/T
	Rec. Attendant - Golf Instructor		

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

VII.

RESOLVED, that the Town Board approve the hiring and termination of personnel for the Building and Grounds Department as follows:

1. Dennis Coventry	P/T Laborer	05/02/2003	Terminate
2. Dennis Coventry	Seasonal Laborer	05/05/2003	\$7.50
3. Timothy Malysza	Seasonal Laborer	05/19/2003	\$7.50
4. Jake Fanning	P/T Laborer	05/09/2003	Terminate
5. Scott Vuich	P/T Laborer	05/09/2003	Terminate
6. Scott Ziobro	P/T Laborer	05/09/2003	Terminate
7. Jake Fanning	Seasonal Laborer	05/12/2003	\$8.80
8. Scott Vuich	Seasonal Laborer	05/12/2003	\$7.50
9. Scott Ziobro	Seasonal Laborer	05/12/2003	\$8.80
10. James Morgan	Seasonal Laborer	05/09/2003	\$8.80
11. Galen Gibson	Seasonal Laborer	05/12/2003	\$8.80
12. Jeffrey LaCapruccia	P/T Laborer	05/09/2003	Terminate
13. Jeffrey LaCapruccia	Seasonal Laborer	05/12/2003	\$7.50

Moved: Quatroche

Seconded: Cavalcoli

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

VIII.

BE IT RESOLVED, that the Town Clerk be authorized to advertise for the Annual Police Auction of Lost, Stolen and/or Discarded Items.

The Auction will be held on Saturday, June 21, 2003 at 9:00 a.m. local time.

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

IX.

WHEREAS, the Town of Hamburg has received a rezoning application from Betty Sampson for the rezoning of 0.72 acres of vacant land adjacent to 3580 Sowles Road from R-3 (Multi-Family District) to C-2 (General Commercial District), and

WHEREAS, the Hamburg Planning Department in association with the Zoning Code Review Committee has reviewed this application, and

WHEREAS, the rezoning is in general accordance with the Comprehensive Plan; Southwestern Boulevard frontage in this areas is shown as Commercial, and

WHEREAS, the parcel is a small lot with a difficult location for transportation ingress and egress, and

WHEREAS, the property has been zoned commercial in the past, with little record as to how it reached its present zoning category.

NOW THEREFORE BE IT RESOLVED, that the Town Board finds merit in this application, and refers it to the Planning Board for their review and recommendation on the possibility of rezoning to C-1 (Local Retail Business District), and

BE IT FURTHER RESOLVED, that the Town Board waives the application fee due to uncertainties about the zoning history of the site.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

X.

WHEREAS, Chapter 48 of the Hamburg Town Code, entitled, “Personnel Regulations”, is outdated and such rules and regulations are now contained in employee contracts,

THEREFORE BE IT RESOLVED, that Chapter 48 of the Hamburg Town Code, entitled “Personnel Regulations”, is removed from the Town of Hamburg Code Book.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is forwarded to General Code Publishing.

Moved: Hochul

Seconded: Quatroche

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XI.

WHEREAS, after a lengthy process of negotiations with Niagara Mohawk relative to the Town complaint of erroneous billing for street lighting.

WHEREAS, the Town consultants on this matter, Computel has recommended acceptance of Niagara Mohawk’s current settlement offer of \$190,000 which represents a final settlement.

WHEREAS, the Highway Superintendent, Legal, and Engineering agree with Computel’s offer.

BE IT RESOLVED, that the Town Accept the settlement agreement of \$190,000.00 from Niagara Mohawk and authorize the Supervisor to sign appropriate legal documents to this effect.

Moved: Cavalcoli

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Councilwoman Kesner questions where this money goes. Mr. Connolly comments that it must go back into the street lighting account to reduce taxes in the future and/or to upgrade street lighting. He then states we started this process in 1998 with Computel and we did it with both utilities. Niagara Mohawk paid us \$490,000 in December of 2001 and now they are paying us an additional \$190,00 which represents final payment. The good news is we received the funds to use for a good purpose and additionally they have corrected their method of billing so that we shouldn’t have these problems in the future. In May of 1999 we received \$109,000 from NYSEG and they are still in negotiation with them for additional funds to finalize that. Throughout this whole process the Engineering Department has helped with the effort to get this straightened out. Supervisor Hoak comments that when they brought this up at the Association of Towns they were impressed because they had never heard of such a program. Through the leadership of Mr. Connolly, this company comes in and with the help of Engineering they go out and find unused light poles that we have been charged for. Over \$700,0000 has been recouped over the past 5 years. They have received phone calls from other parts of the State on how to do this.

Joe Kilian questions how much the Town gets. Mr. Connolly comments that the Town gets half of the amount stated.

XII.

WHEREAS, Malcolm Pirnie, Inc. has previously been retained by the Town of Hamburg to provide engineering services associated with the planning and design of the Highland Acres Sanitary Sewer Extension Project; and

WHEREAS, the project is currently in the bidding and construction phase, and Malcolm Pirnie has submitted a proposal for providing Construction Administration Services, for the negotiated lump sum fee amount of \$49,500, plus Part-time Inspection Services on an as-needed basis for a not-to-exceed amount of \$12,900. This proposal has been reviewed by the Town Engineer, who has determined it to be fair and reasonable for the services to be provided,

THEREFORE BE IT RESOLVED, that Malcolm Pirnie's contract is amended to include these additional services, and that the Town Supervisor is authorized to sign their 5/7/03 proposal letter/agreement in this regard. Funding for these services is to be through the Clean Water State Revolving Fund low interest loan program, with the bond debt service associated with the program to be charged on an annual basis to property owners within the Highland Acres Sewer District.

Moved: Cavalcoli

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XIII.

BE IT RESOLVED, that the Town Board grant permission for the Building and Grounds Department to advertise for one new and unused Sewer Jet, one new and unused 10 Wheel Dump Truck, One new and unused High Lift. Funds are available in H24-8120.202

BE IT FURTHER RESOLVED, that the Town Board grant permission for the Building and Grounds Department to advertise for two new and unused Utility Vans, and One new and unused Single Axle Dump Truck. Funds are available in B 8160.201.

Moved: Quatroche

Seconded: Hochul

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

XVI.
RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

VOUCHER #'S

OPERATING FUND:

BATCH #61	\$1,644,000.00	903301 - 903304
BATCH #62	\$ 189,871.71	UNPROCESSED
PRTRN #P/R 10	\$ 484,124.26	903305

TOTAL OPERATING FUND DISBURSEMENTS: \$2,317,995.97

TRUST & AGENCY:

BATCH #25	\$ 16,440.59	560184 - 560195
BATCH #26	\$ 468,094.44	560196 - 560200

TOTAL TRUST & AGENCY DISBURSEMENTS: \$ 484,535.03

CAPITAL FUND DISBURSEMENTS:

TOTAL CAPITAL FUND DISBURSEMENTS: \$ 0.00

PAYROLL:

PR #10	\$ 450,268.36
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TOTAL PAYROLL DISBURSEMENTS: \$ 450,268.36

PETTY CASH:

TOTAL PETTY CASH DISBURSEMENTS: \$ 0.00

TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT: \$3,252,799.36

Moved: Hoak Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

WHEREAS, The New York State Emergency Management Office (SEMO) has approved the Town of Hamburg's Hazard Mitigation Grant Program (HMGP) Project application # 1404-4000-0001 for the acquisition and relocation associated with the Helen Faber residence at 4510 Lakeshore Road. (The Federal Emergency Management Agency (FEMA) has authorized the amount of \$175,000.00 total project cost with a 75% federal matching share of \$131,250.00. The Town share of the project cost has been established at \$43,750.00, the 25% non-federal share.)

WHEREAS, Pursuant to the provisions on the HMGP and based on the average of the three appraisals, SEMO has approved and authorized the offering of One Hundred Forty Thousand dollars (\$140,000.00) for acquisition of the Faber property located at 4510 Lakeshore Road.

AND BE IT FURTHER RESOLVED, that this action be subject to permissive referendum as mandated.

WHEREAS, Marrano/ Marc Equity Corporation, upon application for building permits, paid recreation fees for seventeen (17) new homes constructed in the Deer Springs Subdivison, and

WHEREAS, Marrano/ Marc Equity Corporation, has requested a refund in the amount of \$13,000.00 (the sum representing the total recreation fees paid as part of the seventeen permits).

BE IT FURTHER RESOLVED, that the reimbursement check be made payable to:

Moved: Quatroche
Seconded: Hoak
Roll Call:
Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
Noes: None
Carried

XIX.

RESOLVED, that the Town Board approve the hiring of personnel for the Recreation Department as follows:

- | | | | |
|---------------------|-------------------------------|------------|------------------|
| 1. Reynolds, Brigit | B7310(320)
Rec. Attendant | 05/12/2003 | \$8.50 P/T |
| 2. Schultz, Gregory | ER7251(225)
Rec. Attendant | 05/05/2003 | \$8.75 Seas. P/T |

Moved: Quatroche Seconded: Hochul
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XX.

RESOLVED, that the Town Board approve the Out-of-Town Travel Request for Martin Denecke, Joe Wenzel and Luke Sullivan to attend the 2003 Niagara Frontier Recreation and Parks Society Conference on May 15, 2003. The conference will be held at the Sheraton 4 Points Hotel in Cheektowaga. Registration is \$50.00 per person. Funds are available in account A7020.492.

Moved: Quatroche Seconded: Kesner
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

XXI.

RESOLVED, that the Town Board authorize the Recreation Department to issue Alcohol Waivers for the following June Taylor Road rentals:

06/01/2003	06/03/2003	06/05/2003	06/06/2003
06/07/2003	06/08/2003	06/12/2003	06/13/2003
06/14/2003	06/15/2003	06/18/2003	06/19/2003
06/20/2003	06/21/2003	06/22/2003	06/25/2003
06/26/2003	06/27/2003	06/28/2003	06/29/2003

Moved: Quatroche Seconded: Cavalcoli
Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche
 Noes: None
 Carried

Correspondence

Letter #66 - Supervisor Hoak comments that these were e-mails that he received after PETA wanted to change Hamburg's name to Veggieburg. He was interviewed for articles in the Toronto Sun, Washington Post, Radio live talk shows - Australia this week, San Antonio, Los Angeles, Indianapolis, Pittsburgh, Michigan, Missouri, Boston and Tampa. He received letters and petitions from children at Charlotte Avenue School.

Letter #68 - Supervisor Hoak comments that this was referred to the Zoning Board of Appeals. Councilman Cavalcoli comments that Kurt Allen is doing a search on this and Mr. Boehm. They will be responding to the resident and will report back to the Board.

Late Correspondence

69A - To the Town Board from Scranton-McKinley Taxpayers Association concerning speeding on Ontario, Monroe, Park and Electric. Supervisor Hoak comments that he copied the Chief of Police and asks that they look into that.

Letter #69 - Councilwoman Hochul comments that Congressman Quinn responded to petitions

that they sent him calling for a Federal Fund to assist the Steel Worker retirees that lost their health insurance. There were over 3,000 signatures. She was going to contact Senator Clinton's Office and was told that there will be an announcement forthcoming about a plan she will be taking to Congress to assist these people. She wants to make sure that this continues to move forward to help these people and she appreciates the Town Board's support in being the first community on record to join this effort. George Lee, Deputy Mayor Village of Blasdell, commends her on her efforts and states he is personally going around door to door getting signatures and he comments that the taxpayer groups should get signatures as well.

Reports From Town Board Members and Department Heads

Councilman Cavalcoli comments that they have been moving along quite well on the townwide moratorium on major subdivisions. He met with Councilwoman Hochul and all other parties involved including Legal, Planning and Building Inspection and he asks that Drew Reilly give a brief update.

Drew Reilly comments that they are trying to keep the August deadline and they will need to have a public hearing in July which means that the law will be ready in June. The moratorium will result in law changes which will include tree protection and management, conservation easements, soil protection, restrictions on above grade utilities, requirements for bike paths and one of the suggestions in the law is that the process should involve coming to the Town Board. Buffers for conservation areas and railroads are being updated. They are looking at the LWRP and they are looking at issues of implementing the Open Space and Recreation Plan being on the proactive side. They are looking at lot sizes and dimension requirements in our residential zoning districts. They are updating the cluster development rules and location and construction of retention ponds in subdivisions. They are also providing information on building permit caps, the rate of construction in the community, and the impacts on the community. They will also provide maps of subdivisions and vacant land available within the community.

Councilman Cavalcoli comments that the draft will be reviewed by the Town Board and following that meetings will be set up with the taxpayer groups and then hopefully they will be ready for the public hearings in June and July.

Councilwoman Kesner reports that the Town of Hamburg has been hosting aids with Assemblyman Smith in reference to the issues with the Railroad Crossings in the Town of Hamburg. She is very pleased that the Cloverbank crossing will be addressed this summer. It is very interesting trying to work out the logistics when you are dealing with three different Railroads in regards to the scheduling and shutting down the roads. In the next ten days you will be seeing, on our website, information on our bike trail. There is information on where the trail is now, where it is going in the future and some programs that they plan to offer to foster that plan. They have a meeting June 5th with the committee and they got some exciting news in reference to the grants and the additional link they are planning for this year.

Councilwoman Hochul reports that at the last Town Board meeting Mr. Connolly reported that the Lakeview Bridge over the thruway will be closed for construction. She was a little surprised, in the past they were given more time to give comments and she didn't like that process so she asked Mr. Kapsiak to write a letter to the Thruway Authority expressing their concern and asking that they keep one lane open, if at all feasible. This will have a dramatic effect on our local businesses. She appreciates Mr. Kapsiak jumping on this. She then reports that there is a new Town Wellness Committee and this Wednesday night they will be holding the kick-off seminar entitled How to Deal with Stress and Dealing with Difficult People. All employees are invited to attend. Catherine Sweeney will be conducting this upbeat, humorous, entertaining session on these topics. They already have 50 people signed up. On Wanakah Waterworks, look for more news at the end of June. In about six months it should look amazing.

Councilman Quatroche reports that the Local Waterfront Revitalization Plan is in process. The Committee will be meeting on the 29th and they also have a Shoreline Revitalization Meeting shortly thereafter to finalize those plans. Look to the end of June or early July for that to be passed. He then congratulates Councilwoman Hochul who is the 2003 recipient of the E. William Miller Public Service Award for the Niagara Frontier Recreation & Parks Society. This is given out annually to elected officials in the region that have made an impact in the area of Parks, Recreation or leisure activities and she was recognized for her dynamic effort in getting our Skate Park funded and built. Also in conjunction with that, the Skate Park itself is going to receive the 2003 Outstanding Facility Award, which our Boat Launch received in the past.

Both awards will be presented at the Niagara Frontier Recreation & Parks Society Banquet on May 15th. Congratulations to Councilwoman Hochul and the project. We will have a pre-fab shelter erected at the Skate Park which will help save on personnel. Also the golf course renovations are still in process and the planting of trees will hopefully have an impact on the stray balls. The town Beach will open in less than a month. With regards to revenues, last year we were at \$286,000 and this year we are at \$308,000 and he would like to congratulate Mr. Denecke and his staff for continuing to raise the revenues to help keep our taxes down.

Supervisor Hoak announces the opening of the Farmers Market last week. He encourages everyone to go on Saturdays mornings in the Village of Hamburg. Councilman Cavalcoli comments that the Hamburg DECA is managing that under the guidance of the Chamber of Commerce. It is nice to see this group of young people has taken responsibility for that. Supervisor Hoak also announces the General Code Book, through the leadership of the Town Clerk Catherine Rybczynski, is now available on the website saving thousands of dollars on updates. He then announces that the Erie County Department of Environment and Planning, with regard to the County Sewer Districts, will be doing inspections and so if you see people in your neighborhood that is what they are there for. Also, he received a letter from the D.A.R.E. Coordinator, Mr. Rahill, requesting that a permit for solicitation for D.A.R.E. America be denied. This National Company, to which Hamburg was very generous in the past, comes in and they seek solicitations for money telling our residents that this will help to support their local D.A.R.E. units. After two years, we have never received a penny and so they would like to let other Clerks in the community know that this National Organization, which recruits money for D.A.R.E. does not reciprocate and give money back to the communities.

Catherine Rybczynski, Town Clerk, announces that as of May 27th the Town Clerks Office will start their summer hours which are 8:00 a.m. to 4:30 p.m.

Business From the Floor

Patrick Castiglia, comments that he would like to know the names and hourly rates on the hiring of personnel included in the late resolutions. Councilman Quatroche comments that he will make that available to him after the meeting.

XXII.

RESOLVED, that the Town Board adjourn to Executive Session at 7:50 p.m. with Legal and Highway on personnel issues.

Moved: Hoak

Seconded: Kesner

Roll Call: Ayes: Hoak, Cavalcoli, Hochul, Kesner, Quatroche

Noes: None

Carried

Catherine Rybczynski, Town Clerk

Correspondence - May 12, 2003

65 - To Supervisor Hoak from the Town Clerk, the Monthly Report from April 2003 with receipts totaling \$63,717.64.

66 - To Supervisor Hoak - a group of 7 e-mails commenting on the Town not changing the name from Hamburg to Veggieburg.

67 - To the Town Board from Wallace-Hudson Architects, Pocatello, Idaho, commenting that they hope the Town Board rejects the request of the radical animal rights activist group PETA and keep the Town name as it is.

68 - To the Town Board from concerned residents on Ainslee Lane that would like a clarification on a Zoning Board application for 5781 Old Lake Shore Road.

69 - To Councilwoman Hochul from Congressman Quinn concerning his support for health insurance assistance for Bethlehem Steel retirees.

Late Correspondence

69A - To the Town Board from Scranton-McKinley Taxpayers Association concerning speeding on Ontario, Monroe, Park and Electric.

69B - To Town Employees from Catherine Rybczynski, Town Clerk announcing that the Town of Hamburg General Code Book is now available on the internet through the town website.

69C - To Supervisor Hoak from the Erie County Department of Planning & Environment stating that there will be crews in the area performing surveying type work including GPS data collection on all Erie County sewer assets. Work will begin in summer 2003.

69D - To Supervisor Hoak and all parties connected with solicitation permits from Jack Rahill, D.A.R.E. Coordinator, commenting that D.A.R.E. America is planning to go door-to-door again this year and the local D.A.R.E. Unit is opposed to this. Last year D.A.R.E. America collected money on the premise that the local units would receive a portion of it and no money was ever been received.